

The background features a network of interconnected hexagons, some of which contain stylized human icons. The overall color palette is a gradient of light blue to dark blue.

IPTA

THE INSTITUTE OF PATENT  
AND TRADE MARK  
ATTORNEYS OF AUSTRALIA

# IPTA

2023 Summit Meeting of GNIPA  
26 October 2023

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# Registered designs in Australia

- Amendments to the Australian Designs Act came into force on 10 March 2022
- Applies to design applications filed in Australia after this date
- Major change is the introduction of a 12-month grace period, for public disclosures made after 10 March 2022
- However, the grace period has some quirks that you need to be aware of...
- The grace period covers the “publication or use of a design (which may or may not be the subject design) by a relevant entity”. A “relevant entity” is the registered owner of the subject design or their predecessor in title, but not an official IPO.
- Thus, publication by any Designs Office is not covered by the grace period. This is inconsistent with practice in the USA and Europe, and may be a problem if a basic design is filed in Offices that publish quickly, such as the EUIPO for example.

# Proposed updates to the current system for registering a design

- IP Australia issued three Public Consultation Papers in June 2023
- Proposals to update Australian designs law to include protection for:
  - incremental improvements of designs,
  - partial designs (i.e. to protect parts of a product made in one piece), and
  - virtual designs (including screen displays, screen icons and graphical user interfaces (GUIs))
- IPTA made submissions in August 2023, broadly supporting these three proposals but noting a number of potentially unintended consequences
- The Australian Government will now consider all submissions and presumably release draft legislation in due course.

# Hague System

- Australia agreed in principle to join the *Hague Agreement* in 2021:

“In 2021, as part of the Australia-United Kingdom Free Trade Agreement, Australia agreed in principle to make all reasonable efforts to join the Hague Agreement on Industrial Designs in due course.”

- However, still no firm commitment by IP Australia to do so:

## Hague Agreement on Industrial Designs

### At a glance

Policy ID: 36

Status: On hold

Priority: Medium

DESIGN RIGHTS

ACIP





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